

# SENATE BILL REPORT

## SSB 5469

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As Reported By Senate Committee On:  
Government Operations, February 2, 1996

**Title:** An act relating to the establishment of the office of county ombudsman.

**Brief Description:** Authorizing county ombudsmen.

**Sponsors:** Senate Committee on Government Operations (originally sponsored by Senator McCaslin).

**Brief History:**

**Committee Activity:** Government Operations: 2/2/95, 2/8/95 [DPS]; 1/24/96, 2/2/96 [DP2S].

Passed Senate, 3/3/95, 47-1.

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS

**Majority Report:** That Second Substitute Senate Bill No. 5469 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Haugen, Chair; Sheldon, Vice Chair; Hale, Heavey and Winsley.

**Staff:** Diane Smith (786-7410)

**Background:** While a charter county may provide for an office of county ombudsman, non-charter counties do not have this option. It is believed that all counties should have the option to establish an office of county ombudsman, and that a mechanism for funding the office be provided.

**Summary of Second Substitute Bill:** Any county legislative authority may establish the position of county ombudsperson or office of peoples' advocate. An ombudsperson or peoples' advocate is elected to a term of four years and must be an attorney. The position is nonpartisan.

A county ombudsperson or peoples' advocate has the following powers and duties:

- to prioritize workload in favor of property rights issues of owners of single family residences, including family farms, and owners of small parcels of unimproved property;
- to receive complaints regarding actions or inactions of county government from individuals who are residents of the county;
- to give advice and counsel;

- to decline to pursue frivolous matters, matters over which he or she has no jurisdiction, criminal matters, traffic infractions, matters pending in courts, and matters that are pending before some other tribunal or quasi-judicial body;
- to negotiate with the county on behalf of a complainant;
- to bring legal action, in his or her sole discretion, against the county for either an injunction or writ of mandamus;
- to hire and fire staff.

A county ombudsperson or peoples' advocate is not liable for his or her official actions.

The county may impose a \$1 charge on certain transactions filed with the county auditor to fund the ombudsperson or peoples' advocate office.

Two or more contiguous counties may enter an inter-local agreement jointly to operate one ombudsperson or peoples' advocate office.

**Second Substitute Bill Compared to Substitute Bill:** The funding mechanism in the substitute bill was a \$1 surcharge on civil filings in superior court.

The second substitute bill changes the term "ombudsman" to ombudsperson and gives counties the choice of naming the office that of peoples' advocate. The office is given the duty to prioritize its workload in favor of small landowners with property rights issues.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This bill passed the Senate last session. It gives the people an objective, third party advocate to make county officials perform their official duties and stop them from taking illegal actions.

**Testimony Against:** The position should be appointed because the ombudsperson does not set policy.

**Testified:** Numerous people.